

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE EX REL. LONNIE R. ROYAL,**

**PETITIONER,**

**v.**

**JEFF NORMAN, WARDEN BOONVILLE  
CORRECTIONAL CENTER,**

**RESPONDENT.**

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DOCKET NUMBER WD79246

DATE: January 19, 2016

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Appellate Judges:

Writ Division: Gary D. Witt, Presiding Judge, Thomas H. Newton, Judge and Cynthia L. Martin, Judge

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Attorneys:

Stephen J. Harris, Columbia, MO , for Petitioner.

Caroline M. Coulter, Jefferson City, MO, for respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE EX REL. LONNIE R. ROYAL,**

**PETITIONER,**

**v.**

**JEFF NORMAN, WARDEN BOONVILLE  
CORRECTIONAL CENTER,**

**RESPONDENT.**

No. WD79273

Texas County

Before Writ Division: Gary D. Witt, Presiding Judge, Thomas H. Newton, Judge and Cynthia L. Martin, Judge

Lonnie R. Royal filed a Petition for Writ of Habeas Corpus alleging that he is being confined in the Boonville Correctional Center by Jeff Norman, the Warden of Booneville Correctional Center in restraint of his liberty because he was defectively sentenced for a felony when he only committed a misdemeanor. The Respondent concedes the merit of Royal's Petition.

**Original Writ of Habeas Corpus Issued.**

1. Royal's Petition establishes that a sentence has been imposed beyond that permitted by applicable statute, and the Respondent concedes this point. Respondent concedes that Royal is entitled to habeas relief, as Royal's restraint for commission of a felony when he could only have been sentenced for the commission of a misdemeanor is unlawful.

2. Royal's conviction of the class C felony of witness tampering pursuant to section 575.270 in the Texas County Circuit Court in Case No. 07X1-CR00577-01 is vacated, and his record of conviction is amended to reflect a conviction of the class A misdemeanor of victim tampering pursuant to section 575.270.

3. This matter is remanded to the Circuit Court of Texas County for re-sentencing of Royal accordingly, within the range of punishment authorized by law.

Opinion by Cynthia L. Martin, Judge

January 19, 2016

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